

Order

**Michigan Supreme Court
Lansing, Michigan**

September 29, 2021

Bridget M. McCormack,
Chief Justice

161690-1

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

KENNETH McKENZIE,
Plaintiff-Appellee,

v

SC: 161690
COA: 347061
Wayne CC: 18-002451-CD

DEPARTMENT OF CORRECTIONS, STATE
OF MICHIGAN, and MACOMB
CORRECTIONAL FACILITY WARDEN,
Defendants-Appellants,
and

RANDALL HAAS,
Defendant.

FATIMA OLDEN,
Plaintiff-Appellee,

v

SC: 161691
COA: 347798
Wayne CC: 18-001424-CD

DEPARTMENT OF CORRECTIONS, STATE
OF MICHIGAN, and MACOMB
CORRECTIONAL FACILITY WARDEN,
Defendants-Appellants.

By order of April 27, 2021, the parties were directed to file supplemental briefs. On order of the Court, the supplemental briefs having been received, the application for leave to appeal the May 7, 2020 judgment of the Court of Appeals is again considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellants shall file a supplemental brief addressing: (1) whether MCL 600.6440 divests the Court of Claims of jurisdiction over both of the appellees' causes of

action arising under federal statute; and (2) if so, whether the circuit court shares concurrent jurisdiction with the federal courts over those causes of action. The appellants' brief shall be filed by December 20, 2021, with no extensions except upon a showing of good cause. In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellees shall file a supplemental brief within 21 days of being served with the appellants' brief. A reply, if any, must be filed by the appellants within 14 days of being served with the appellees' brief. The parties should not submit mere restatements of their application papers.

The total time allowed for oral argument shall be 40 minutes: 20 minutes for the appellants, and 20 minutes for the appellees, to be divided at their discretion. MCR 7.314(B)(2).



s0922

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 29, 2021

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk